

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC
REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

MDL No. 2327

TRANSFER ORDER

Before the Panel:* Plaintiffs in the five actions listed on Schedule A move under Panel Rule 7.1 to vacate our orders conditionally transferring the actions to MDL No. 2327. Responding defendants Johnson & Johnson and Ethicon, Inc. (collectively, Ethicon) oppose the motions to vacate.

After considering the argument of counsel, we find these actions involve common questions of fact with the actions previously transferred to MDL No. 2327, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that their actions share questions of fact with MDL No. 2327. Like many of the already-centralized actions, these actions involve factual questions arising from allegations that Ethicon and related entities defectively designed, manufactured, and marketed pelvic surgical mesh products, resulting in serious injuries, and that defendants failed to provide appropriate warnings and instructions regarding the risks and dangers posed by the devices. *See In re: Ethicon, Inc., Pelvic Repair Sys. Prods. Liab. Litig., et al.*, 844 F. Supp. 2d 1359 (J.P.M.L. 2012).

In support of the motions to vacate, plaintiffs argue that their actions were improperly removed and motions to remand to state court are pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present these arguments to the transferee judge.¹ *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

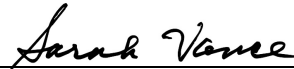
* Judge Lewis A. Kaplan took no part in the decision of this matter.

¹ Moreover, under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so. Indeed, the Southern District of Texas recently denied the *Evans* plaintiffs' motion to remand.

-2-

IT IS THEREFORE ORDERED that the actions listed on Schedule A are transferred to the Southern District of West Virginia and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Sarah S. Vance", positioned above a horizontal line.

Sarah S. Vance
Chair

Marjorie O. Rendell
Ellen Segal Huvelle
Catherine D. Perry

Charles R. Breyer
R. David Proctor

**IN RE: ETHICON, INC., PELVIC
REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

MDL No. 2327

SCHEDULE A

Northern District of Texas

HUSTON, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 3:14-03465
KRAFT, ET AL. v. ETHICON, INC., C.A. No. 3:14-03467
KROLL, ET AL. v. ETHICON, INC., ET AL., C.A. No. 3:14-03955

Southern District of Texas

EVANS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:14-02800
SEYMOUR, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:14-02804



Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation Existing Transfer Order (Transferee Court)

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JPMLCMDECF

02/05/2015 10:28 AM

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United States Judicial Panel on Multidistrict Litigation

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Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER -- TO TRANSFeree CLERK: ACTION REQUIRED

A transfer order has been filed today in this litigation. The order is directed to your court for filing. Rule 2.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, states...An order to transfer or remand pursuant to 28 U.S.C. 1407 shall be effective only upon its filing with the clerk of the transferee district court.

Signed by Clerk of the Panel Jeffery N. Luthi on 2/5/2015.

Associated Cases: MDL No. 2327, TXN/3:14-cv-03465, TXN/3:14-cv-03467, TXN/3:14-cv-03955, TXS/4:14-cv-02800, TXS/4:14-cv-02804 (dn)

Case Name: Seymour et al v. Johnson & Johnson et al
Case Number: [TXS/4:14-cv-02804](#)
Filer:
Document Number: No document attached

Docket Text:
*****TEXT ONLY ENTRY*****

MINUTE ORDER -- TO TRANSFEREE CLERK: ACTION REQUIRED

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Case Name: Kraft et al v. Ethicon Inc
Case Number: [TXN/3:14-cv-03467](#)
Filer:
Document Number: No document attached

Docket Text:
*****TEXT ONLY ENTRY*****

MINUTE ORDER -- TO TRANSFEREE CLERK: ACTION REQUIRED

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Case Name: Evans et al v. Johnson & Johnson et al
Case Number: [TXS/4:14-cv-02800](#)
Filer:
Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER -- TO TRANSFEREE CLERK: ACTION REQUIRED

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Case Name: Kroll et al v. Ethicon, Inc. et al

Case Number: [TXN/3:14-cv-03955](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

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Associated Cases: MDL No. 2327, TXN/3:14-cv-03465, TXN/3:14-cv-03467, TXN/3:14-cv-03955, TXS/4:14-cv-02800, TXS/4:14-cv-02804 (dn)

Case Name: Huston et al v. Johnson & Johnson et al

Case Number: [TXN/3:14-cv-03465](#)

Filer:

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Docket Text:

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Activity in Case MDL No. 2327 IN RE: Ethicon, Inc., Pelvic Repair System Products
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Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: [1875](#)

Docket Text:

TRANSFER ORDER re: pldg. ([1744] in MDL No. 2327, 6 in TXN/3:14-cv-03465, 6 in TXN/3:14-cv-03467), ([1816] in MDL No. 2327, 6 in TXN/3:14-cv-03955), ([1764] in MDL No. 2327, 6 in TXS/4:14-cv-02800, 6 in TXS/4:14-cv-02804), ([1843] in MDL No. 2327, 9 in

TXN/3:14-cv-03465, 9 in TXN/3:14-cv-03467, 9 in TXN/3:14-cv-03955, 10 in TXS/4:14-cv-02800, 11 in TXS/4:14-cv-02804)

Transferring 5 action(s) - MDL No. 2327, TXN/3:14-cv-03465, TXN/3:14-cv-03467, TXN/3:14-cv-03955, TXS/4:14-cv-02800, TXS/4:14-cv-02804

Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on 2/5/2015.

Associated Cases: MDL No. 2327, TXN/3:14-cv-03465, TXN/3:14-cv-03467, TXN/3:14-cv-03955, TXS/4:14-cv-02800, TXS/4:14-cv-02804 (dn)

Case Name: Seymour et al v. Johnson & Johnson et al

Case Number: [TXS/4:14-cv-02804](#)

Filer:

Document Number: [13](#)

Docket Text:

TRANSFER ORDER re: pldg. ([1744] in MDL No. 2327, 6 in TXN/3:14-cv-03465, 6 in TXN/3:14-cv-03467), ([1816] in MDL No. 2327, 6 in TXN/3:14-cv-03955), ([1764] in MDL No. 2327, 6 in TXS/4:14-cv-02800, 6 in TXS/4:14-cv-02804), ([1843] in MDL No. 2327, 9 in TXN/3:14-cv-03465, 9 in TXN/3:14-cv-03467, 9 in TXN/3:14-cv-03955, 10 in TXS/4:14-cv-02800, 11 in TXS/4:14-cv-02804)

Transferring 5 action(s) - MDL No. 2327, TXN/3:14-cv-03465, TXN/3:14-cv-03467, TXN/3:14-cv-03955, TXS/4:14-cv-02800, TXS/4:14-cv-02804

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Case Name: Kraft et al v. Ethicon Inc

Case Number: [TXN/3:14-cv-03467](#)

Filer:

Document Number: [11](#)

Docket Text:

TRANSFER ORDER re: pldg. ([1744] in MDL No. 2327, 6 in TXN/3:14-cv-03465, 6 in TXN/3:14-cv-03467), ([1816] in MDL No. 2327, 6 in TXN/3:14-cv-03955), ([1764] in MDL No. 2327, 6 in TXS/4:14-cv-02800, 6 in TXS/4:14-cv-02804), ([1843] in MDL No. 2327, 9 in TXN/3:14-cv-03465, 9 in TXN/3:14-cv-03467, 9 in TXN/3:14-cv-03955, 10 in TXS/4:14-cv-02800, 11 in TXS/4:14-cv-02804)

Transferring 5 action(s) - MDL No. 2327, TXN/3:14-cv-03465, TXN/3:14-cv-03467, TXN/3:14-cv-03955, TXS/4:14-cv-02800, TXS/4:14-cv-02804

Signed by Judge Sarah S. Vance, Chair, PANEL ON MULTIDISTRICT LITIGATION, on

2/5/2015.

Associated Cases: MDL No. 2327, TXN/3:14-cv-03465, TXN/3:14-cv-03467, TXN/3:14-cv-03955, TXS/4:14-cv-02800, TXS/4:14-cv-02804 (dn)

Case Name: Evans et al v. Johnson & Johnson et al

Case Number: [TXS/4:14-cv-02800](#)

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Document Number: [12](#)

Docket Text:

TRANSFER ORDER re: pldg. ([1744] in MDL No. 2327, 6 in TXN/3:14-cv-03465, 6 in TXN/3:14-cv-03467), ([1816] in MDL No. 2327, 6 in TXN/3:14-cv-03955), ([1764] in MDL No. 2327, 6 in TXS/4:14-cv-02800, 6 in TXS/4:14-cv-02804), ([1843] in MDL No. 2327, 9 in TXN/3:14-cv-03465, 9 in TXN/3:14-cv-03467, 9 in TXN/3:14-cv-03955, 10 in TXS/4:14-cv-02800, 11 in TXS/4:14-cv-02804)

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Case Name: Kroll et al v. Ethicon, Inc. et al

Case Number: [TXN/3:14-cv-03955](#)

Filer:

Document Number: [10](#)

Docket Text:

TRANSFER ORDER re: pldg. ([1744] in MDL No. 2327, 6 in TXN/3:14-cv-03465, 6 in TXN/3:14-cv-03467), ([1816] in MDL No. 2327, 6 in TXN/3:14-cv-03955), ([1764] in MDL No. 2327, 6 in TXS/4:14-cv-02800, 6 in TXS/4:14-cv-02804), ([1843] in MDL No. 2327, 9 in TXN/3:14-cv-03465, 9 in TXN/3:14-cv-03467, 9 in TXN/3:14-cv-03955, 10 in TXS/4:14-cv-02800, 11 in TXS/4:14-cv-02804)

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Case Name: Huston et al v. Johnson & Johnson et al

Case Number: [TXN/3:14-cv-03465](#)

Filer:**Document Number:** [11](#)**Docket Text:**

TRANSFER ORDER re: pldg. ([1744] in MDL No. 2327, 6 in TXN/3:14-cv-03465, 6 in TXN/3:14-cv-03467), ([1816] in MDL No. 2327, 6 in TXN/3:14-cv-03955), ([1764] in MDL No. 2327, 6 in TXS/4:14-cv-02800, 6 in TXS/4:14-cv-02804), ([1843] in MDL No. 2327, 9 in TXN/3:14-cv-03465, 9 in TXN/3:14-cv-03467, 9 in TXN/3:14-cv-03955, 10 in TXS/4:14-cv-02800, 11 in TXS/4:14-cv-02804)

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TXS/4:14-cv-02800 Notice will not be electronically mailed to:

TXN/3:14-cv-03955 Notice has been electronically mailed to:

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TXN/3:14-cv-03955 Notice will not be electronically mailed to:

TXN/3:14-cv-03465 Notice has been electronically mailed to:

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